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Attorneys for Plaintiff MARK IBRAHIM

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MARK IBRAHIM, An Individual

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE; MERRICK  
GARLAND, Attorney General of the United  
States; DRUG ENFORCEMENT  
ADMINISTRATION; ANNE MILGRAM,  
Administrator of the Drug Enforcement  
Administration; WILLIAM D. BODNER,  
Special Agent in Charge of the Drug  
Enforcement Administration, Los Angeles  
Division; DOES 1- 50,  
INCLUSIVE

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES:**

- 1. WRONGFUL TERMINATION**
- 2. WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**
- 3. BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING**
- 4. CONSTITUTIONAL VIOLATION OF SUBSTANTIVE DUE PROCESS RIGHTS**
- 5. VIOLATION OF THE EQUAL PROTECTION CLAUSE**

UNLIMITED CIVIL ACTION

**DEMAND FOR JURY TRIAL**

1 TO THE COURT AND ATTORNEYS OF RECORD:

2 COMES NOW Plaintiff MARK IBRAHIM, who hereby complains and alleges as follows:

3  
4 **PARTIES**

5 1. Defendants are U.S. DEPARTMENT OF JUSTICE; MERRICK GARLAND, Attorney  
6 General of the United States; DRUG ENFORCEMENT ADMINISTRATION; ANNE MILGRAM,  
7 Administrator of the Drug Enforcement Administration; WILLIAM D. BODNER, Special Agent in  
8 Charge of the Drug Enforcement Administration- Los Angeles Division; DOES 1- 50, Inclusive (all  
9 hereinafter referred to collectively as “Defendants”).

10 2. Plaintiff, Mark Ibrahim (hereinafter referred to as “Plaintiff” or “Mr. Ibrahim”), is an  
11 individual and is now, and at all times relevant herein was a resident of the state of California.

12 3. Defendant Merrick Garland is the Attorney General of the United States, and the head of  
13 the Department of Justice (“DOJ”), sued in his official capacity. Attorney General Holder has  
14 supervisory authority over all United States Attorney’s Offices and their personnel, including the Drug  
15 Enforcement Administration (“DEA”) and its personnel. As the head of the DOJ, Attorney General  
16 Holder is responsible for the actions taken in excess of the government’s authority granted by the United  
17 States Constitution.

18 4. Defendant Anne Milgram is Administrator of the DEA of the United States, sued here in  
19 her official capacity as Administrator of the DEA of the United States. Defendant has supervisory  
20 authority over the DEA, and supervises all personnel of the DEA. Anne Milgram is responsible for the  
21 actions taken in excess of the government’s authority granted by the role of Administrator of the DEA.

22 5. Plaintiff sues DOES 1 through 50, Inclusive, herein under fictitious names as plaintiff is  
23 unaware of their true names and capacities. When Plaintiff ascertains the DOE defendants’ true names  
24 and capacities, Plaintiff will amend this complaint by inserting their true names and capacities. Plaintiff  
25 is informed and believes, and on the basis of that information and belief alleges that each Defendant  
26 named herein as a DOE acted with the other Defendants and is responsible for the damages to Plaintiff  
27 alleged herein. Each reference in this complaint to Defendant, or to any of them, also refers to all  
28 Defendants sued under fictitious names.



1           15.     On March 30, 2020, Mr. Ibrahim was relocated from the Washington D.C. DEA Division  
2 to the Los Angeles Division, Orange County District Office (“OCDO”) and participated in a Task Force  
3 Group 16-week Field Training Agent (“FTA”) Program.

4           16.     After completion of the first FTA Program, Mr. Ibrahim received an additional 10 weeks  
5 of training, which ended on September 19, 2020. During this additional training, Mr. Ibrahim  
6 demonstrated positive progress. Biweekly reports were provided up until September 26, 2020.

7           17.     On November 18, 2020, Group Supervisor (“GS”) of the FTA Program Eastman, FTA  
8 Miles, and Assistant Special Agent in Charge (“ASAC”) Steffick met with Mr. Ibrahim to discuss what  
9 Mr. Ibrahim could further improve upon and notified Mr. Ibrahim that he would be allotted more time  
10 for learning and more time for FTA Miles to work with him in order to make him a successful agent.

11           18.     On December 2, 2020, Mr. Ibrahim notified FTA Miles, GS Eastman, and ASAC Steffick  
12 of his intent to return to Washington D.C. to care for his ailing mother. Mr. Ibrahim inquired about the  
13 best way to accomplish this and was recommended to claim hardship.

14           19.     On December 3, 2020, as a result of his need to care for his ailing mother, Mr. Ibrahim  
15 decided to notify his chain of command of his intent to resign, which would be effective on January 29,  
16 2021.

17           20.     However, on January 25, 2021, prior to date where resignation would be effective, Mr.  
18 Ibrahim rescinded his resignation and confirmed it through an email. Rather than resignation, Mr.  
19 Ibrahim opted for leave in order to care for his ailing mother.

20           21.     From about December 2020 through early January 2021, Mr. Ibrahim was provided leave  
21 to return home and take care of his ailing mother. Leave was to end and Mr. Ibrahim was to return to his  
22 post at the OCDO on January 7, 2021.

23           22.     On January 5, while still in Washington D.C., Mr. Ibrahim decided to attend the January  
24 6, 2021 Donald Trump rally alongside his Federal Bureau of Investigations friend (“FBI Friend”).

25           23.     On January 6, Mr. Ibrahim exercised his Constitutional right to peacefully gather and  
26 attend the ceremony at the United States Mall in front of the Capitol Building, where the inauguration  
27 took place. At no point did Mr. Ibrahim tear down any barricades or perform any unlawful act.  
28 Following this January 6 rally, news leaked regarding Mr. Ibrahim’s attendance of the ceremony.

1           24.     Upon Mr. Ibrahim's return from leave after January 7, Mr. Ibrahim was suddenly called  
2 into the office, revoked of his badge and gun, suspended for a total of two months, and then ultimately  
3 terminated on March 1, 2021 and revoked of his security clearance, in complete contrast to the  
4 November 18, 2020 assurances provided by GS Eastman, FTA Miles, and ASAC Steffick to Mr.  
5 Ibrahim regarding the plan for further training so he can become a successful agent.

6           25.     In the termination letter dated March 1, 2021, the Special Agent in Charge ("SAC") of  
7 the DEA, Los Angeles Division, William D. Bodner provided all information that was considered in  
8 deciding to terminate Mr. Ibrahim. In this information, SAC William D. Bodner listed the dates of each  
9 occurrence that ultimately led to Plaintiff's termination. However, all the provided reasons were merely  
10 the aforementioned biweekly assessments that ended on September 26, 2020, approximately six weeks  
11 prior to the assurances that were provided to Mr. Ibrahim regarding his position as mentioned in  
12 Paragraph 24 of this Complaint.

13           26.     Mr. Ibrahim's sudden termination and revocation of his security clearance, in complete  
14 contrast to assurances given as described in Paragraph 17 of this Complaint, resulted in Mr. Ibrahim  
15 suffering substantial damages. These substantial damages have only been exacerbated as a result of the  
16 DEA's leaking Mr. Ibrahim's lawful attendance of the January 6 rally to the press. This has further  
17 caused Mr. Ibrahim to be essentially blacklisted due to the false and defamatory news that has been  
18 broadcast about his attendance of the January 6 rally.

19           27.     Mr. Ibrahim has had his Constitutional, substantive due process rights violated as a result  
20 of Defendants' actions, which have ultimately caused Mr. Ibrahim to suffer substantial damages  
21 including, but not limited to lost past and future income, lost government benefits, and lost career  
22 opportunities, as well as severe emotional distress arising from his notoriety that was created and  
23 perpetuated by false and defamatory leaks to the media by the Defendants. It is important to note that  
24 Mr. Ibrahim's last name is commonly associated with that of a Muslim background.

25           28.     The DEA alleges that Mr. Ibrahim's employment status was probationary. However, this  
26 allegation is, in all likelihood, incorrect. Probationary status for positions similar to Mr. Ibrahim's is  
27 normally two years. However, due to Mr. Ibrahim's status as an Army Veteran, the probationary period  
28

1 reduces to only one year. Therefore, Mr. Ibrahim would no longer have been a probationary employee  
2 after September 29, 2020. (5 U.S.C. Government Organization and Employees §7511).

3 29. For Mr. Ibrahim, all of these wrongful acts by Defendants are irreversible and have  
4 brought an end to his career-life and have dashed his hopes and dreams of continuing in governmental  
5 work as his family lineage always has.

6 30. Mr. Ibrahim has exhausted all administrative remedies and there are no further  
7 administrative procedures provided by state or local law.

8 **FIRST CAUSE OF ACTION**  
9 **WRONGFUL TERMINATION**  
10 **(Against All Defendants)**

11 31. Plaintiff incorporates all allegations of this complaint and re-allege them as though they  
12 were fully set forth herein.

13 32. Mr. Ibrahim was employed by the DEA as Excepted Service in accordance with the  
14 DEA's Schedule B authority on September 29, 2019.

15 33. Mr. Ibrahim's employment set forth regular employee guidelines including disciplinary  
16 measures should there be unsatisfactory performance by said employee as well as the standards being in  
17 accordance with all applicable laws.

18 34. Plaintiff would remain employed for so long as he performed his job in a satisfactory  
19 manner, and demotion or discharge could only be for good cause proven and then would be carried out  
20 only in accordance with the stated written policies of the DEA.

21 35. Defendant DEA, and the other defendants unilaterally and without notice or opportunity  
22 to be heard, terminated Mr. Ibrahim's position at the DEA and revoked his security clearance on March  
23 1, 2021, for clearly pretextual reasons that had already been resolved on November 18, 2020, where Mr.  
24 Ibrahim was provided assurances by GS Eastman, FTA Miles, and ASAC Steffick regarding the plan for  
25 further training so he can improve his skills to become a successful agent.

26 36. Defendant DEA, and the other defendants via their compliance therewith, justified the  
27 termination of Mr. Ibrahim's position by wrongfully utilizing the biweekly assessments that had already  
28 been communicated to Mr. Ibrahim and resolved as an excuse to terminate Mr. Ibrahim. These

1 pretextual reasons were to cover up the retaliatory intent to punish Plaintiff for his political views and to  
 2 hide the lack of good cause to terminate Mr. Ibrahim for simply exercising his Constitutional right to  
 3 assemble for the rally on January 6, 2021.

4 37. Defendants have refused and continue to refuse to allow Mr. Ibrahim the benefits of his  
 5 now-terminated DEA position.

6 38. As a direct, foreseeable, and proximate result of Defendants' wrongful and pretextual  
 7 acts, Mr. Ibrahim has suffered and continues to suffer substantial losses including, but not limited to lost  
 8 past and future income, lost government benefits, and lost career opportunities.

9 39. As a further direct and proximate result of Defendants' unlawful conduct arising from the  
 10 media leaks and subsequent false and defamatory news reports, Plaintiff has suffered extreme anguish,  
 11 emotional distress, tension, and anxiety, the extent of which is not fully known at this time, and the  
 12 amount of damages caused by the Defendants' conduct is not yet fully ascertained, but the value will be  
 13 proven at time of trial. Plaintiff claims this amount together with prejudgment interest pursuant to Civil  
 14 Code §3287 and pursuant to any other provision of law providing for prejudgment interest.

## 15 **SECOND CAUSE OF ACTION**

### 16 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

#### 17 **(Against All Defendants)**

18 40. Plaintiff incorporates all allegations of this complaint and re-allege them as though they  
 19 were fully set forth herein.

20 41. Government workers are not at-will employees. Employees of federal and state  
 21 governments cannot be fired without cause.

22 42. Wrongful termination in violation of public policy typically occurs when an employer  
 23 fires an employee for refusing to break the law, performing a legal obligation, exercising a legal right or  
 24 privilege, or reporting a potential violation of an important law.

25 43. The DEA, and the other defendants, wrongfully terminated Mr. Ibrahim from his position  
 26 at the DEA, in violation of public policy, because said termination was a result of Mr. Ibrahim  
 27 exercising his legal and Constitutional right to assemble on January 6, 2021 rally.  
 28





- f. defendant employer would not terminate plaintiff without a fair and honest cause, regulated by good faith on defendant employer's part;
- g. defendant employer would not terminate plaintiff in an unfair manner; and
- h. defendant employer would give plaintiff's interests as much consideration as it gave its own interests.

48. Defendants' termination of Plaintiff was wrongful, in bad faith, and unfair, and therefore in violation of Defendants' legal duties. Plaintiff further alleges that Defendants breached the covenant of good faith and fair dealing when the DEA terminated, and the other defendants complied therewith, Plaintiff's employment for pretextual reasons and in a manner that was inconsistent with the DEA's November 18, 2020 assurances and DEA policies and practices, namely the termination of Plaintiff for simply exercising his Constitutional right to assemble.

49. Defendants' breach of the covenant of good faith and fair dealing was a substantial factor in causing damage and injury to Plaintiff. As a direct and proximate result of Defendants' unlawful conduct alleged in this Complaint, Mr. Ibrahim has suffered and continues to suffer substantial losses including, but not limited to lost past and future income, lost government benefits, and lost career opportunities in an amount to be proven at trial.

50. As a further direct and proximate result of Defendants' wrongful conduct, Plaintiff has suffered extreme anguish, humiliation, and emotional distress, the extent of which is not fully known at this time, but the amount of damages will be proven at trial.

#### **FOURTH CAUSE OF ACTION**

#### **CONSTITUTIONAL VIOLATION OF SUBSTANTIVE DUE PROCESS RIGHTS**

#### **(Against All Defendants)**

51. Plaintiff incorporates all allegations of this complaint and re-allege them as though they were fully set forth herein.

52. The United States Constitution ("Constitution") guarantees certain fundamental rights to individuals- that they will not be deprived of life, liberty, or property without due process of law.

53. The United States Supreme Court has historically categorized one's employment under the substantive, fundamental right of property.

56. It should be noted that Mr. Ibrahim's FBI Friend who attended the rally was alongside Mr. Ibrahim throughout the entire rally and never suffered any negative repercussions for his attendance. The Federal Bureau of Investigations Director is Christopher Wray, a publicly known affiliate of the Republican Party, in contrast to the Democratically skewed and run DOJ and DEA. That clearly proves that Plaintiff was punished for his political views and for exercising his rights under the constitution.

58. As a further direct and proximate result of Defendants' violation of Mr. Ibrahim's substantive due process rights, the subsequent media leaks and false and defamatory news reports have caused Plaintiff extreme anguish, emotional distress, tension, and anxiety, the extent of which is not fully known at this time, and the amount of damages caused by the Defendants' conduct is not yet fully ascertained, but the value will be proven at time of trial.

**(Against All Defendants)**

## PLAINTIFF'S COMPLAINT FOR DAMAGES

1           60.     The Supreme Court of the United States has historically held the Equal Protection Clause  
2 of the Fourteenth Amendment in the Constitution is to be reverse incorporated via the Fifth Amendment  
3 Due Process Clause so that it also applies to federal entities as well.

4           61.     Where a state or federal entity discriminates against a protected class with the intent to  
5 discriminate triggers the Equal Protection Clause.

6           62.     Defendants Attorney General Merrick Garland and DEA Administrator Anne Milgram  
7 are both in the highest positions possible in relation to the DOJ and DEA, respectively, and are both  
8 politically affiliated with the Democratic party.

9           63.     Mr. Ibrahim, in exercising his Constitutional right to attend the January 6 Republican-  
10 affiliated rally, caused his status as a Republican to become known by the DEA. As a result of this  
11 newfound knowledge, the DEA, and the other named defendants in compliance therewith, terminated  
12 Mr. Ibrahim.

13           64.     As in the above paragraphs, Mr. Ibrahim was already vetted and communicated to by the  
14 DEA regarding his FTA Program results and was provided assurances on November 18, 2020 that he  
15 would be enlisted in further programs to craft him into a successful agent. However, between those  
16 statements and Mr. Ibrahim's ultimate termination on March 1, nothing material or of substance  
17 occurred to warrant the termination of Mr. Ibrahim.

18           65.     Mr. Ibrahim was on leave from December until January, and upon his return after January  
19 7, Mr. Ibrahim was suddenly called into the office, revoked of his badge and gun, suspended for a total  
20 of two months, and then ultimately terminated. The only material event that transpired between the  
21 November 18, 2021 assurances and the termination on March 1 was Mr. Ibrahim's attendance of the  
22 January 6 rally. However, in the March 1, 2021 termination letter, the only reasons provided for the  
23 termination of Mr. Ibrahim were for biweekly reports that ended on September 26, 2020.

24           66.     It is near-universally known at this point that President Donald Trump polarized the  
25 political parties even more than they already were. These extreme feelings of polarization clearly played  
26 a substantial role in the ultimate decision by the DEA, a more Democratic controlled federal entity, to  
27 ultimately terminate Mr. Ibrahim based on his political affiliation.

1           67. In applying the Equal Protection Clause through the Fifth Amendment, the United States  
2 Supreme Court has interpreted fundamental rights more broadly over time as society changes and  
3 evolves in an attempt to incorporate newly found derivatives of these fundamental rights, such as the  
4 more recent decision to include gender identification as a quasi-suspect classification.

5           68. As an example, historically, religion has been qualified as a suspect class and a  
6 fundamental right and which discrimination of by a state or federal entity requires the state or federal  
7 entity to meet strict scrutiny, the highest level of judicial review, where the government has the burden  
8 to show that a compelling government interest is achieved by the scrutinized action and is narrowly  
9 tailored to achieve that interest.

10           69. Since the inception of the United States and its Constitution, it has been no secret that  
11 one's political affiliation is an extremely polarizing factor, substantially similar if not the same to the  
12 connotations one's religion may have, and can usually result in one losing out on opportunities due to  
13 affiliation with a particular political party. In this case, Mr. Ibrahim lost his government employment  
14 with the DEA, his security clearance, and is now a notorious name associated with an unlawful  
15 individual due to the false and defamatory media accusations perpetuated by Defendants. It is crucial to  
16 note as well, that in the process of perpetuating false news and further negative connotations towards  
17 Mr. Ibrahim through the media, he has been continuously referred to by his last name, which historically  
18 is one of Muslim roots.

19           70. To reiterate once more, Mr. Ibrahim's FBI Friend who attended the rally was alongside  
20 Mr. Ibrahim throughout the entire rally and never suffered any negative repercussions for his attendance.  
21 The Federal Bureau of Investigations Director Christopher Wray, as already mentioned, is a publicly  
22 known affiliate of the Republican Party, in absolute contrast to the Democratically skewed and run DOJ  
23 and DEA. That further proves, that Plaintiff was not equally protected under the law because of his  
24 political views and/or race and origin.

25           71. The discrimination Mr. Ibrahim has suffered due to his Republican party affiliation and/  
26 or race and origin is no different than the discrimination one would historically suffer due to a particular  
27 religious affiliation, and thus, there is no reason why political affiliation should not be considered at the  
28 same fundamental level as one's religious beliefs.

72. There is a good faith argument to be made that one's political affiliation, especially when considering the new and never-before seen levels of political polarization that are in existence today, is clearly a category to be placed as a new suspect class, which would require strict scrutiny to overcome.

73. In this case, Defendants, in pretextually wrongfully terminating Mr. Ibrahim from his DEA position, simply did not want to provide the true reason as to the decision to terminate, one that stemmed from Mr. Ibrahim exhibiting his Constitutional right to assemble for what happened to be a Republican-associated rally in a new societal culture, especially at current times, heavily skewed against those affiliated with the Republican party.

**PRAYER**

**WHEREFORE**, Plaintiff MARK IBRAHIM, prays for judgment as follows, as to each and every cause of action alleged herein:

1. For compensatory damages in an amount to be determined according to proof at trial;
2. For special damages in an amount to be determined according to proof at trial;
3. For costs of suit and attorneys' fees as provided by statute 42 U.S.C. §1988;
4. For costs of suit herein incurred; and
5. For any such, other and further relief as this court may deem just and proper.

Dated: April 12, 2022

**DRE Law, A.P.C.**

By: /s/ Boshra Khoder  
Darren M. Richie, Esq.  
Antonio Castillo, III, Esq.  
Boshra G. Khoder, Esq.  
Attorneys for Plaintiff MARK IBRAHIM

**DEMAND FOR A JURY TRIAL**

Plaintiff demands a jury trial on all causes of action triable by jury.